

S/N 09/264,464

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Blach et al. Examiner: G. Dawson
Serial No. 09/264,464 Group Art Unit: 3761 *AP15*
Filed: March 8, 1999 Docket No.: 12460.1USI2
Title: *OCT 06 2000* NASAL SUPPORT DEVICE FOR DOMESTIC MAMMALS AND
METHOD

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on September 27, 2000.

James R. Chiapetta

TERMINAL DISCLAIMER TO OBLIGATE
A DOUBLE PATENTING REJECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Petitioner, WinEase LLC, a corporation organized and existing under the laws of the State of Minnesota and having its primary place of business at 856 Great Oaks Trail, Eagan, MN 55123, in the county of Dakota, and the state of Minnesota represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09/264,464, filed on March 8, 1999, and entitled NASAL SUPPORT DEVICE FOR DOMESTIC MAMMALS AND METHOD, by virtue of our assignment recorded at Reel 9921, Frame(s) 0180 (4 pages).

Petitioner, WinEase LLC, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,033,422 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,033,422, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

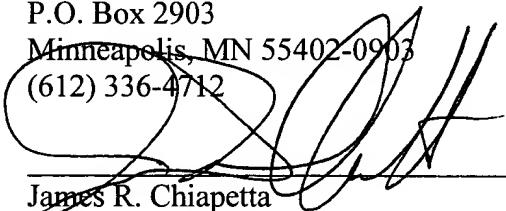
In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,033,422, in the event that any such issued patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
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(612) 336-4712



James R. Chiapetta
Reg. No. 39,634

DATE: 9/27/00



THE STATEMENT BELOW IS FOR OFFICE USE ONLY

In accordance with the decision granting the petition filed on _____, _____, this terminal disclaimer is accepted. The period of patent lapse specified above has been accepted as equivalent to _____ months.

Petitions Examiner

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